

### REMARKS

There remains pending in this application claims 1-16, of which claims 1, 8, 12, 13, and 14 are independent. No claims have been added or cancelled. In view of the above amendments and the following remarks, favorable consideration together with entry of those amendments and allowance of the above application is respectfully sought.

Claims 8-13 stand allowed. As none of these claims have been further amended, they remain in condition for allowance.

Each of independent claims 1 and 14 stands rejected under 35 U.S.C. § 102 as being anticipated by either Yoshida, et al. (U.S. Patent No. 5,003,521) or Walker, et al. (U.S. Patent No. 6,561,643). Applicant submits that with the above amendments more clearly defining the invention of claims 1 and 14, each of those claims as now set forth clearly distinguishes the invention over the applied art.

Independent claim 1 recites a recording medium identification device for identifying a recording medium. The device comprises a light emitting means for emitting light onto a surface of the recording medium, the light emitting means applying light on the surface in a predetermined direction other than a direction perpendicular to the surface and the recording medium. Detection means are provided for detecting an amount of the diffusely-reflected light reflected in a direction opposite to the predetermined incident direction of the light and identification means for identifying the type of the recording medium based on the amount of light detected by the detection means.

Independent claim 14 is directed to a method and corresponds generally to the apparatus of claim 1. Thus the above amendments to claim 1 have been incorporated into the

method of claim 14.

With reference to Figure 1, Applicant's invention can be seen wherein the laser light source 1 emits light onto the surface of the recording medium in a predetermined direction other than a direction perpendicular to the surface. The amount of light reflected in a direction opposite to that predetermined direction is detected by coherent-backscattering of light receiving element 3. Thus the invention is characterized in that it detects the amount of light reflected in a direction opposite to an incident direction of the light irradiated from a direction other than a perpendicular direction, and that identifies the type of the recording medium based on the amount of the detected light.

Yoshida, et al. relates to a laser source 1 irradiating light from a direction that is perpendicular to the surface of an optional disk together with a photosensor 5 receiving light reflected in a direction opposite to the irradiating light. Since the laser source in Yoshida, et al. irradiates light from a direction that is perpendicular to the surface of the optical disk 20, the reflected light received by photosensor 5 receives is the specularly-reflected light and not the diffusely-reflected light required by the present invention.

Walker, et al. relates to an advanced media determination system for ink jet printing. In Walker, et al. the direction of the optical axis 185 and 185' of the beams 200 and 200' reflected on the surface of the media is different from the opposite direction of the optical axis 184 of the beam 182 irradiated from LED 520. Thus, Walker, et al. does not disclose or suggest detection means for detecting an amount of diffusely-reflected light reflected in a direction opposite to the predetermined direction from the diffusely-reflected light reflected off the surface of the recording medium.

For the foregoing reasons, neither the structure of Yoshida, et al. or that of Walker, et al. discloses the invention as recited in independent claim 1 or the method as recited in independent claim 14. As such, it is respectfully submitted that each of those claims is patentable over the art of record.

The remaining claims in the above application are dependent claims which depend either directly or indirectly from either claim 1 or claim 14 and are therefore patentable over the art of record for the reasons noted above with respect to those claims. In addition, each recite features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

Applicant respectfully requests entry of the amendments after final as they are being presented in an earnest effort to advance prosecution and improve upon the clarity of the claims.

Applicant respectfully submits that all outstanding matters in the above application have been addressed and that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application is respectfully sought.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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